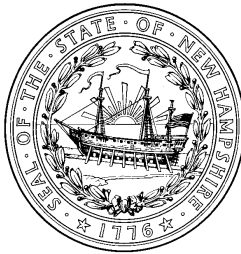


BRUCE J. FRIEDMAN, M.D.
President

JAMES G. SISE, M.D.
Vice President



JAMES H. CLIFFORD, M.D.
PAUL J. SCIBETTA, JR., D.O.
AMY FEITELSON, M.D.
CLINT J. KOENIG, M.D.
KEVIN R. COSTIN, PA-C
MARY S. NELSON, PUBLIC MEMBER
BRIAN T. STERN, PUBLIC MEMBER

New Hampshire Board of Medicine

2 INDUSTRIAL PARK DRIVE, SUITE 8, CONCORD, NH 03301-8520

Tel. (603) 271-1203 Fax (603) 271-6702

TDD Access: Relay NH 1-800-735-2964

WEB SITE: www.state.nh.us/medicine

NEWSLETTER

News Editor: Penny Taylor, Administrator

SUMMER, 2006

BOARD NEWS:

Personnel

The Board would like to thank Cynthia S. Cooper, M.D. of Durham, NH who served on the Board of Medicine from June 8, 1994 through April 21, 2006 and on the Medical Review Subcommittee from May 22, 1996 through December 3, 2001. Dr. Cooper was the first female physician member of the Board and subsequently the first female President of the Board. Dr. Cooper also chaired the Medical Review Subcommittee for 5 years. She will be greatly missed.

The Board would also like to thank Judith Dickinson, Esq. of Concord, NH who served as a public member on the Board of Medicine from December 5, 2001 until March 31, 2006.

The Board would like to welcome:

Amy Feitelson, M.D. of Rye, New Hampshire as the new member of the Board of Medicine. Dr. Feitelson is a psychiatrist practicing at Seacoast Mental Health Center in Portsmouth.

Clint J. Koenig, M.D. as the Interim State Medical Director, will serve as the Department of Health & Human Services representative on the board.

Jaime Netzley-Wrye, who joined the Board staff in July, 2006. Jaime is the new secretary to the Medical Review Subcommittee.

INFORMATION REGARDING PHYSICIANS SIGNING DEATH CERTIFICATES:

All New Hampshire physicians are reminded that death records must be completed and signed by the attending physician and filed with the division of vital records administration within 36 hours of the patient's death. *See RSA 5-C:62, I and RSA 5-C:64, II.*

****NEW PHYSICIAN ASSISTANT RULES ADOPTED IN JUNE, 2006:**

The Board of Medicine has adopted new rules for physician assistants. The following are some highlighted changes, indicated by underlining the new section(s), to the rules:

RSP=Registered Supervisory Physician

ARSP=Alternate Registered Supervisory Physician

Med 602.01(b). The RSP or ARSP shall not be required to be physically present while the physician assistant is providing care, so long as the RSP or ARSP and the physician assistant are or can easily be in contact with each other by an electronic communication device.

Med 602.01(c) The RSP shall establish a regular, ongoing evaluation of a representative sample of patient records as part of a review of the physician assistant's performance.

Med 602.01(d). The RSP shall file a written acceptance of supervisory responsibility with the board. The RSP shall designate in writing all of the alternate supervising physicians whose scope of practice encompasses the PA's scope of practice, and such alternates shall assume responsibility for the supervision of the physician assistant when the RSP is unavailable. Alternates shall sign a written acceptance of supervisory responsibility with the board.

Med 602.02 Number of PAs Supervised.

(a) A physician shall not be the RSP for more than 2 physician assistants.

(b) A physician shall not be an ARSP for more than 6 physician assistants simultaneously and shall not actively supervise more than 2 physician assistants simultaneously.

(c) Physician assistants employed in 2 or more separate medical jobs shall have a designated registered supervising physician and at least one alternate in each setting.

Med 602.03 Delegation Agreement.

(a) The RSP and the PA shall develop a specific written job description which shall conform to the requirements for supervision set forth in Med 602.01, and shall be signed by all parties, including the PA, RSP and all ARSPs.

(b) The delegation agreement shall constitute the authority for the physician assistant to provide medical care under the supervision of the RSP and ARSP.

Med 602.04 Change of Supervisory Relationship.

(c) If the RSP designates new or additional ARSPs, who shall comply with the requirements for supervision set forth under Med 602.01, then the RSP shall so inform the board in writing.

Med 603.01 Scope of Practice.

(a) The scope of practice of the PA shall be defined by agreement with the RSP. The scope of practice of the PA shall be limited to and no broader than the scope of practice and privileges of the supervising physician.

Med 604.02 has been deleted. Physician assistants are no longer required to have a personal interview for initial licensure.

Med 606.01 has been deleted. No temporary licenses will be issued to physician assistants.

Med 607.01. Reinstatement of Lapsed Licenses.

(a) A 90 day grace period to apply for renewal shall be allowed, subject to an additional late fee. If the renewal application is not received by the grace period date, the license shall be considered lapsed.

(b) If a license expires or lapses as a result of a licensee being ordered to active duty with the armed services, the licensee shall have 90 days from the date of discharge or release from the armed service to apply for renewal and all late fees shall be waived.

PART Med 612 has been deleted. Physician assistants are no longer required to complete a jurisprudence examination through the Board of Pharmacy to gain authority to issue prescriptions for legend drugs.

For a complete copy of the physician assistant rules, please call the Board's office at (603) 271-1203. These rules can also be found on the Board's website at www.state.nh.us/medicine.

BOARD ACTIONS:

The following final board actions were taken by the Board from January 1, 2006 through July 31, 2006.

Edward P. Dalton, M.D. Manchester, NH

1/10/06 - Edward P. Dalton, M.D. entered into a Settlement Agreement with the Board of Medicine. The Board received information pertaining to Dr. Dalton's prescribing of a narcotic, while failing to maintain appropriate medical records. Dr. Dalton is reprimanded and assessed an administrative fine in the amount of \$1,000. Dr. Dalton is required to participate in twelve hours of continuing medical education in the areas of pain management, maintenance of medical records, prescribing narcotics and treatment of medical colleagues.

Barbara J. Kolinsky, P.A. Berlin, NH

02/07/06 - The Board of Medicine issued a Decision and Order to Revoke Barbara Kolinsky's license. The Board of Medicine finds that Barbara Kolinsky, P.A. engaged in professional misconduct by repeatedly violating her NH Physician Health Program ("PHP") contract and by violating Board orders. Subsequent to an adjudicatory hearing, Ms. Kolinsky's license to practice medicine as a Physician's Assistant is revoked effective February 7, 2006.

Frank O. Warren III, M.D. – Manchester, NH

02/08/06 - Dr. Frank Warren III, entered into a Voluntary Surrender of License. Dr. Warren relinquished all rights and privileges to practice medicine in the State of New Hampshire and agreed never to seek licensure in this State or any other jurisdiction.

Joseph E. Nossiff, M.D. – Newington, NH

02/15/06 - The Board of Medicine granted Joseph Nossiff, M.D. a six months extension to complete the Continuing Medical Education ("CME") requirement of his February 2005 Settlement Agreement.

David I. Victor, M.D. – Lexington, MA

03/06/06 - Dr. David I. Victor entered into a Fourth Preliminary Agreement with the Board of Medicine. Dr. Victor shall withdraw from the practice of medicine in the State of New Hampshire. Dr. Victor has agreed that the terms of the first Preliminary Agreement and the practice restrictions outlined therein shall resume should he return to practice and that they shall remain in place until such time as the Massachusetts and New Hampshire Boards issue final orders resolving the allegations of professional misconduct currently pending before the Boards.

Michael W. Yushak, M.D. - Claremont, NH

3/7/06 - Michael W. Yushak, M.D. entered into a Settlement Agreement with the Board of Medicine. The Board had received notification that Valley Regional Hospital in Claremont, NH issued an Emergency Suspension of Dr. Yushak's clinical privileges. Dr. Yushak is reprimanded. Dr. Yushak's license to practice in the area of gynecology and obstetric medicine is restricted to those gynecologic and obstetric patients requiring no surgery or only minor gynecologic surgery.

Charles C. Canver, M.D. – Loudonville, NY

3/10/06 - Charles C. Canver, M.D. entered into a Settlement Agreement with the Board of Medicine. The New York State Board for Professional Medical Conduct has disciplined Dr. Canver because he committed professional misconduct by failing to abide by United Network of Organ Sharing (UNOS) criteria in procuring organs for his transplant patients. The reciprocal action taken by the New Hampshire Board of Medicine prohibits Dr. Canver from having any association with or participating in an organ transplant program as an administrator, physician, surgeon or any other position or title. Dr. Canver must abide by all other conditions placed upon him by the New York State Board as stated in the Consent Agreement and Order.

James M. Schmitz, M.D. – Temple, TX

04/11/06 - James Schmitz, M.D. entered into a Settlement Agreement with the Board of Medicine. The Board received information that on May 26, 1998 Dr. Schmitz was scheduled to perform a cardiac catheterization of a patient, but attended a department of medicine meeting at the hospital at the time at which the procedure was scheduled. Dr. Schmitz is reprimanded. Dr. Schmitz has successfully attended and completed a program entitled Health for Healer at the University of Alabama in February 2003. Dr. Schmitz's New Hampshire license expired on July 30, 2005, and he is currently practicing in Texas.

Dennis L. Swartout, M.D. – Westmoreland, NH

04/11/06 - Dennis L. Swartout, M.D. entered into a settlement agreement with the Board of Medicine. The Board of Medicine conducted an investigation and obtained information regarding two visits of a patient on consecutive days, wherein no vital signs were taken, no testing was ordered, and the medical record was inadequate. The evidence obtained showed that Dr. Swartout engaged in unprofessional conduct and failed to maintain adequate medical record documentation. Dr. Swartout is reprimanded and assessed an administrative fine in the amount of \$2,000. Dr. Swartout is required to participate in an additional six (6) hours of continuing medical education concerning medical records and conducting adequate patient history and physical examinations.

William J. Monafo, M.D. - Peterborough, NH

06/12/06 - William J. Monafo, M.D. voluntarily surrendered his license to practice medicine in the State of New Hampshire. Dr. Monafo committed misconduct in the State of Massachusetts by breaching the physician/patient relationship. The Board of Medicine has taken reciprocal disciplinary action.

Timothy D. Brown, M.D. – Sherborn, MA

7/11/06 - Timothy D. Brown, M.D. entered into a Settlement Agreement with the Board of Medicine for professional misconduct. On or about July 22, 2005, Dr. Brown left the operating room at Boston Medical Center while a medical procedure was ongoing, in order to deliver a lecture at an adjacent building, and failed to be immediately available as needed to assist with the continuation of the surgery. Dr. Brown's license to practice medicine in the State of New Hampshire is indefinitely suspended pursuant to the same terms and conditions set forth in the Statement of Allegations, Consent Order and Probation Agreement issued by the Massachusetts Board of Registration in Medicine on November 16, 2005. The suspension is stayed immediately upon providing proof to the Board of his entry into a full compliance with the Consent Order and Probation Agreement.

Eileen C. Golden, M.D. – Hudson, OH

7/11/06 - Eileen C. Golden, M.D. entered into a Settlement Agreement with the Board of Medicine for professional misconduct. Dr. Golden is reprimanded. Dr. Golden is required to participate in an accredited review program for fetal monitoring within one year.

David I Victor, M.D. – Lexington, MA

7/11/06 - David I Victor, M.D. voluntarily surrendered his license to the New Hampshire Board of Medicine effective July 11, 2006. Dr. Victor engaged in unprofessional conduct with regard to the treatment of three patients. The allegations against Dr. Victor included boundary violations and inappropriate contact during examinations.

The Board has also issued 40 confidential letters of concern, pursuant to RSA 329:17, VII-a, from January 1, 2006 through July 31, 2006. These letters advise the licensee that while there is insufficient evidence to support disciplinary action, the Board believes the physician should modify or eliminate certain practices, and that continuation of the activities which led to the information being submitted to the Board may result in action against the licensee's license. These letters are not released to the public or any other licensing authority, except that the letters may be used as evidence in subsequent disciplinary proceedings by the Board. A total of 254 consumer complaints, writs from the Courts, malpractice claims and complaints from other sources were received during that time frame.

- **The Board office is at times called about requests for further details about certain disciplinary actions. All Orders are public documents and may be obtained by calling the Board office at (603) 271-1203. There is a fee of \$0.25 per page for all Orders.**